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EXHIBIT 8
DATE 1-17-07
HB 255

TO: HOUSE HUMAN SERVICES & AGING COMMITTEE

FROM: Rose M. Hughes, Executive Director

DATE: January 17, 2007

SUBJECT: HOUSE BILL 255 - CLARIFYING COSMETOLOGY SERVICES FOR DISABLED AND HOMEBOUND INDIVIDUALS

For the record, I am Rose M. Hughes, Executive Director of the Montana Health Care Association (MHCA). MHCA represents skilled nursing facilities and assisted living facilities throughout the state of Montana.

We support HB 255 as a reasonable approach to assuring that residents in our health care facilities are able to receive cosmetology and barbering services in our facilities - which is their home - under circumstances that are similar to what they could do before they entered our nursing home or assisted living facility. It is often difficult for our residents to go outside our facilities for these services and they are important services in terms of quality of life, dignity and well being.

The legislature has previously made provisions to allow an exception for homebound or disabled individuals, but over the years questions have arisen over the interpretation of the current law. We believe that clarifying the current law makes sense to avoid these questions in the future.

This bill:

1. Defines what a "place of residence" is. It includes the person's "home" as well as assisted living facilities, intermediate care facilities for the developmentally disabled, a hospice, a critical access hospital, a long term care facility or a residential treatment facility. These terms (other than "home") are defined under 50-5-101, MCA.
2. Amends the definition of a "salon or shop" (which must be licensed) to exclude from licensure "a room in a place of residence" that is used for cosmetology, barbering, and the like. However, if the owner, operator or manager allows the room to be used to serve nonresidents for compensation, it must be licensed.

Many of our nursing homes and assisted living facilities have a room with special sinks to allow residents' hair to be done comfortably and conveniently. Family members, friends and volunteers can help shampoo and curl hair, polish fingernails, etc. If they do not charge, there is no issue either under current law or under this proposal. An issue arises when a licensed cosmetologist or barber comes to the facility to provide services. Licensed individuals are to practice only in a licensed salon. The disabled and homebound exception was designed to allow licensed individuals to provide services in a place of residence - without the place of residence being licensed. This legislation clarifies the disabled and homebound exception.

There are many different "arrangements" between licensed individuals and their nursing home and assisted living clients. They may provide their services with or without charge. In some instances they volunteer their services to those who cannot pay, and charge those who can. Often, they charge substantially reduced fees. This legislation allows those arrangements to continue to exist.

We talked to the staff at the Department of Labor, Business Licensing Division, and it is our understanding that they forwarded our proposal to the members of the Board of Cosmetology. We made some minor changes to our proposal at their request, and it is our understanding that they are not opposed to this clarification.

Thank you for the opportunity to testify. If you have any questions, I would be happy to answer them, or to provide any additional information you may need.